II. Remarks/Arguments

The present Response is responsive to the non-final Office Action mailed February 11, 2008 in the above-identified application. Claims 17-19 are cancelled without prejudice.

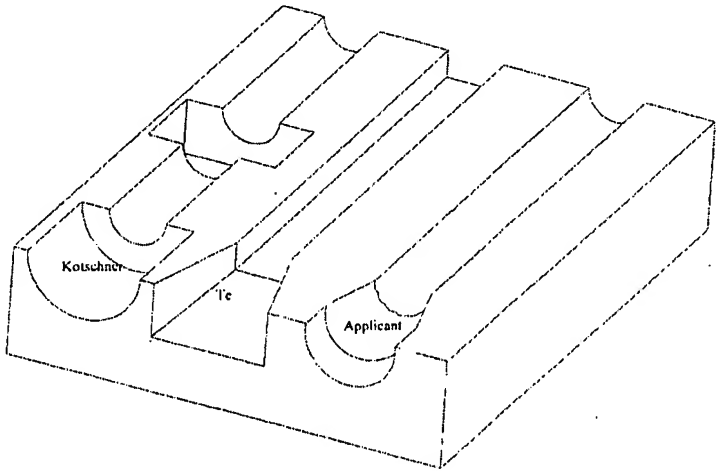
Claim 20 is amended to clarify features recited thereby, and claims 24-25 have been added to include features previously recited by claim 23. Claim 26 includes limitations disclosed by claim 20. Features now recited in greater depth include the peripheral rounding of the hammerhead (See e.g., Fig. 2); the angled nail removal voids of variable elevation (See e.g., Figs. 2 and 4b); and nail release grooves (See e.g., Fig. 2).

A. Rejections Under 35 U.S.C. § 103

Claims 20 was rejected under 35 U.S.C. §103 as obvious over Kotschner's U.S. Patent No. 6,339,974 in view off Te's U.S. Patent No. 6,571,666. Claim 23 was rejected as obvious over Caspall's U.S. Patent No. 4,723,582 in view of Hu's U.S. Patent No. 6,283,449. Claim 17 is rejected as obvious over Caspall in view of Hu and Te. Reconsideration of this rejection is respectfully requested.

As set forth above, independent claims 20 and 26 include a frustoconical interior groove abutted by two cylindrical groove portions. The respective nail grooves of Kotschner, Te, and Applicant can be seen in Exhibit 1, taken respectively from Kotschner's Fig. 1; Te's Fig. 12 in view of Fig. 4; and Applicant's Fig. 5.

Exhibit 1

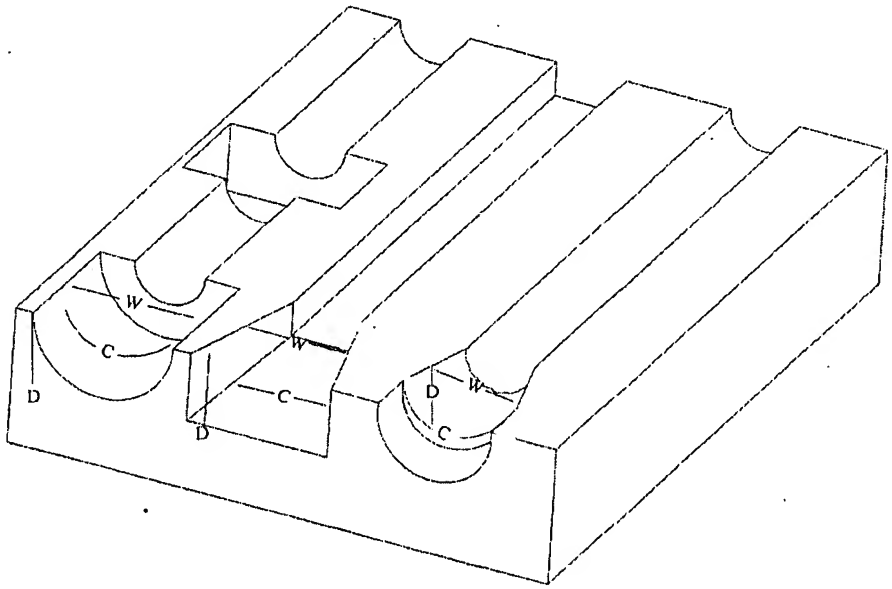


Applicant's claim 20, which is instructive also of claim 26, recites for its frustoconical nail head reception groove:

> a radius that: diminishes in depth within said hammerhead toward said striking face; centrally increases toward a convergent median of said frustoconical groove portion; and diminishes in width across said hammerhead toward said striking face...

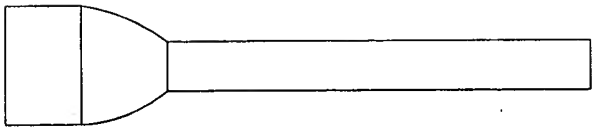
With reference to Exhibit 2A, the nail groove includes a frustoconical portion with a radius that diminishes in depth, **D**, toward the striking face; a radius that centrally increases, **C**, toward the interior of the frustoconical nail groove, and a width, **W**, that diminishes in the direction of the striking face. Such a nail groove, adapted to hold the head of a nail, is not disclosed by either Te or Kotschner.

Exhibit 2A



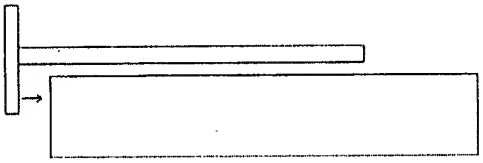
Furthermore, Applicant's nail groove includes a cylindrical nail head portion positioned before a frustoconical portion that is adjacent to a cylindrical nail shaft portion. See Exhibit 2B (depicts an embodiment of Applicant's groove from above).

Exhibit 2B



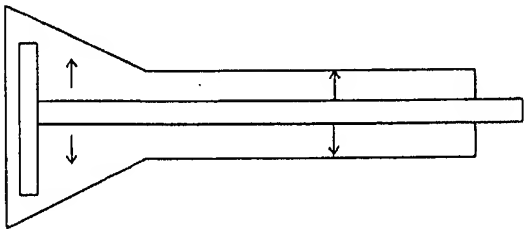
The primary reference, Kotschner, discloses a nail groove that lacks a diminishing width, **W**. The uniform width of Kotschner establishes a wall in the direction of the travel path of the nail. In addition to distorting any nail head released from it, such an arrangement would further obstruct the travel of the nail head, which would destroy much of the forward momentum important to the act of nailing, See Exhibit 3 (view from the side).

Exhibit 3



A secondary reference, Te, discloses a rectangular prism channel that diminishes in width, **W**, and depth, **D**, but without any central convergence, **C**. The central convergence allows a nail head to be cradled in partial envelopment, which prevents the nail from rolling within the groove. A nail that rolls within the nail groove detracts from a user's ability to accurately aim the nail, See Exhibit 4 (viewed from above).

Exhibit 4



Neither Kotschner nor Te disclose or suggest a frustoconical groove that releases into a cylindrical groove to allow the shaft of the nail to be cradled along its trajectory and prevent additional rolling. Neither Kotschner nor Te disclose or suggest a frustoconical nail portion abutted by cylindrical nail portions. Applicant's nail groove configuration accounts for imperfections in nail dimensions and allows for superior aiming; and placement of the grooves on the side, when applicable, permits superior release and reload attributes.

As set forth above, independent claim 24 includes nail removal voids formed in the claw ends of the flared claws. As shown by Exhibit 5 (derived from Applicant's Fig. 1), the width of the void may be, for purposes of clarified discussion and claiming, divided into an inherent line of substantial symmetry, **S**, that skews the void openings either into or away from the hammerhead. Any lines of symmetry converge at some point in the direction of or away from the hammerhead. In conjunction with the advantageous flared-claw arrangement of the hammerhead, this skewing permits the void to remove nails from small spaces.

Exhibit 5

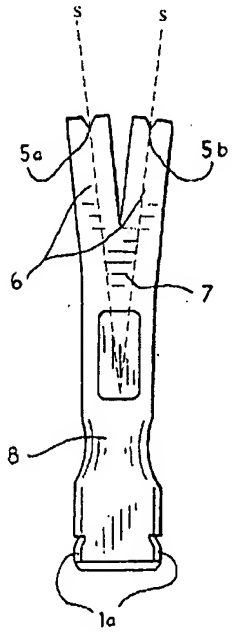
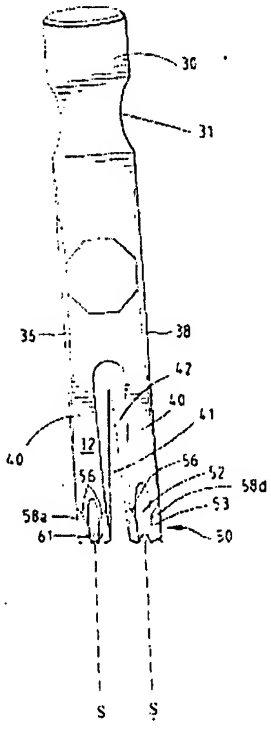


Exhibit 6



The primary reference, Caspall, does not disclose flared claws having any nail removal voids within the claw ends, nor does he disclose a hammer having a rounded periphery. Indeed, the Caspall disclosure is related almost entirely to a non-slip handle. Hu, the secondary reference, does not cure the defects of Caspall. Although Hu discloses nail removal voids, as Exhibit 6 (derived from Hu's Fig. 7) shows, those nail removal voids have lines of symmetry that are parallel, pointing the voids in the direction longitudinal to that of the hammerhead. Hu does not disclose void openings skewed either into or from the hammerhead as Applicant's claim 23 recites. Nor does Hu disclose any rounding of the apex of the hammerhead claws.

Furthermore Applicant's claim 24 recites nail removal voids angled to include a variable elevation along the transverse top surface of the hammerhead. The variable elevation allows the nail-removal void to be substantially co-planar with the nail-removal surface while the hammerhead is rolled along its rounded surface. Exhibit 7, derived from Applicant's Fig. 2, shows the height differential, **h1** & **h2**, of the nail removal voids and the claw inner side portion, **H1**, and the outer claw side portion, **H2**. Exhibit 8, derived from Applicant's Fig. 4B, demonstrates the rolling ability permitted that works in conjunction with the height differential. The differential in elevation of the width edges of the nail removal voids, **h1** & **h2**, is complemented by the differential elevation of the inner side surface of the claw, **H1**, and the elevation of the outer side surface of the claw, **H2**. The difference in elevation causes a contorted upper surface of the hammerhead claw.

Exhibit 7

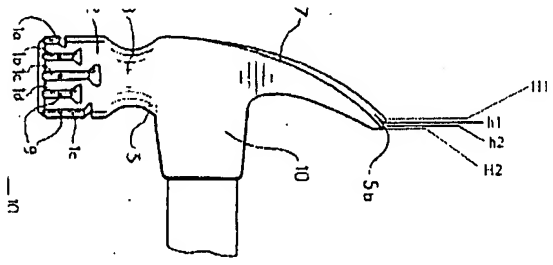
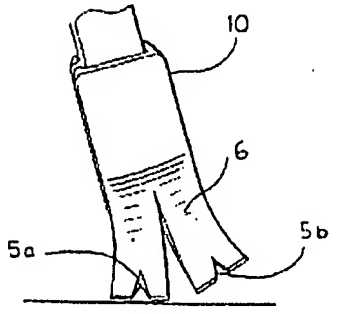


Exhibit 8



Neither Caspall nor Hu disclose or suggest nail removal voids having differential heights that create an inherent angle of elevation adapted to allow a hammerhead to remove a nail with a skewed void by effectively rolling the hammerhead about its edge. Neither Hu nor Caspall disclose differentially positioned inner and outer claw side surfaces that permit a hammerhead to roll on what would ordinarily be its corner. Neither Hu nor Caspall disclose rounded claw upper surfaces that permit angled rolling of a hammerhead.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly requested.

Should any questions arise in connection with this application or should the examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is invited to call the undersigned counsel for Applicant.

Respectfully Submitted,

Date: 7/30/08

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